

147 FERC ¶ 61,144
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

May 27, 2014

In Reply Refer To:
El Paso Natural Gas Company, L.L.C.
Docket No. RP14-726-000

El Paso Natural Gas Company, L.L.C.
P.O. Box 1087
Colorado Springs, CO 80944

Attention: Francisco Tarin, Director
Regulatory Affairs

Ladies and Gentlemen:

1. On April 8, 2014, El Paso Natural Gas Company, L.L.C. (El Paso) filed a request for an extension of waivers previously granted in Docket Nos. RP12-606-000 (2011 Waiver)¹ and RP13-710-000 (2012 Waiver),² as well as a waiver of the tariff timing requirement applicable to the issuance of penalty credits for January through December 2013 to allow the Commission to determine final service rates in El Paso's System-Wide rate case.³ For good cause shown, the Commission grants El Paso's waiver requests.

2. Section 14.2 of the General Terms and Conditions of El Paso's tariff requires El Paso to provide credits for penalties to be distributed to specified shippers no later than the March statement following the annual period (the previous calendar year). El Paso generally submits an annual penalty crediting report with the Commission with details of those penalty credits. However, El Paso states that its currently-effective rates are subject to refund pending the outcome of its general section 4 rate case proceeding in Docket No. RP10-1398-000.

¹ *El Paso Natural Gas Co.*, 139 FERC ¶ 61,176 (2012) (2011 Waiver).

² *El Paso Natural Gas Co.*, 143 FERC ¶ 61,088 (2013) (2012 Waiver).

³ Proceedings in El Paso's general NGA section 4 rate case under Docket No. RP10-1398-000 (Rate Case).

3. According to El Paso, the pendency of the Rate Case was the origin of its applications for the 2011 Waiver and 2012 Waiver. Because the final transportation service rates on which penalty credit calculations are based had yet to be determined, El Paso requested a waiver of certain tariff timing requirements. In the 2011 Waiver, the Commission granted El Paso's request for a waiver to delay: (1) the timing for issuance of penalty credits for April through December 2011; (2) the timing for issuance of cash-out revenue credits for January through December 2011; and (3) any penalty credits or cash-out revenue credits required to be disbursed prior to when refunds are required in Docket No. RP10-1398-000. In the 2012 Waiver, the Commission granted an extension of the 2011 Waiver and additionally waived El Paso's tariff timing requirements for the issuance of penalty credits for calendar year 2012.

4. In the current filing, El Paso states that the Commission's decision regarding the rate case proceeding in Docket No. RP10-1398-000 remains pending. El Paso therefore requests that the Commission extend the waiver credits granted in the 2011 Waiver and 2012 Waiver. Consistent with both orders, El Paso requests a waiver of the timing required for the issuance of penalty credits for calendar year 2013 because the rate levels for all services remain subject to refund pending the outcome of the Docket No. RP10-1398-000 rate proceeding. El Paso states that interest on the 2011, 2012 and 2013 credit amounts will accrue until such time as El Paso issues payment of final credit amounts.

5. El Paso requests these waivers to effectuate a delay for an additional year in the issuance of credits and the submission of a credit report. El Paso states that, should the Commission issue an order establishing a date for refunds prior to the timing requirement for issuing credits for the 2013 calendar year, El Paso will remit payment of the applicable credits and the accrued interest amounts no later than the shipper's next invoice after the date the Commission requires refunds. El Paso states that it will submit a penalty credit report within 45 days following the issuance of the credits.

6. Public notice of the filing was issued on April 10, 2014. Interventions and protests were due as provided in section 154.210 of the Commission's regulations (18 C.F.R. § 154.210 (2013)). Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214 (2013)), all timely filed motions to intervene and any unopposed motions to intervene out-of-time before the issuance date of this order are granted. Granting late intervention at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties. No party filed a protest or adverse comments.

7. Consistent with the 2011 Waiver and 2012 Waiver, the Commission finds it reasonable to grant El Paso's request for a one-year waiver extension of the 2011 and 2012 credits and a one-year waiver of the 2013 credits, given the pendency of the rate

case proceeding in Docket No. RP10-1398-000. Accordingly, for good cause shown, the Commission grants the requested waivers, as discussed above.

By direction of the Commission.

Kimberly D. Bose,
Secretary.